



Presentation to the 2011 Health and Human Services
Joint Appropriation Subcommittee

CHILD AND FAMILY SERVICES DIVISION

Economic Security Services Branch
Department of Public Health and Human Services

Reference:
Legislative Fiscal Division Budget Analysis, Volume 4, Page B92 - 99

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OVERVIEW

Children are safer in Montana because of the work of the Child and Family Services Division (CFSD). The CFSD keeps children safe and families strong by providing child protective services to protect children from abuse, neglect and abandonment in every Montana county.

The CFSD provides child protective services from field offices located in 39 counties. Preventing child maltreatment is the primary goal of child protective services. In addition, CFSD services focuses on improving safety, permanency, and well-being outcomes for children and families in the child protective services system. The judicial system, community providers, and CFSD staff collaborate to provide a **Child Protective Services Continuum** which supports the strengths of families and increasing families' ability to nurture and provide for their children.

The report of suspected child abuse or neglect initiates the **Child Protective Services Continuum**. A Centralized Intake Specialist assesses the report to determine the level of response. If the report contains information requiring an investigation, the report is referred to the appropriate CFSD office. The investigation results in two determinations: 1) Is the child safe in the home; and 2) Based on Montana Code Annotated, did child abuse or neglect occur. Child safety is the primary consideration and must be determined. The investigation can result in four possible outcomes: 1) No further involvement with the family; 2) Referral to community resources (no subsequent child protection specialist involvement); 3) In-home services (child can safely remain in home); or 4) Out-of-home care (child cannot safely remain in home).

If a child cannot remain safely in his/her home, the next element in the **Child Protective Services Continuum** is placement in out-of-home care. The Child Protection Specialist places the child in out-of-home care based on a voluntary protective services agreement or a court order. If child is placed in out-of-home care, the Department must demonstrate to the State District Court that services were provided to make reasonable efforts to prevent removal. Once the child is placed out of his/her home, the Department must present evidence to the Court demonstrating that services are being provided to reunite the child and family.

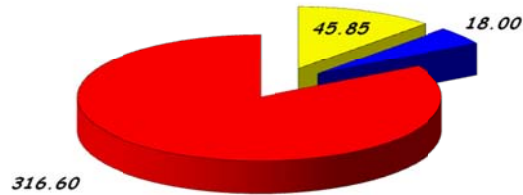
Children experience less disruption when placed with kin or families they know; therefore, the most desirable placement for a child is with an appropriate kinship family. Kinship families may be licensed or unlicensed. If the child cannot be placed with an appropriate kinship family, the child will be placed with a foster family licensed by a CFSD Family Resource Specialist and which is unrelated to the child.

All CFSD services provided to children and families have, as their ultimate goal, assuring that the child has a permanent, forever, family. Therefore, permanency is the final element of the **Child Protective Services Continuum**. The child must have a permanency goal identified for him/her after being placed in out-of-home care. The permanency options available for the child from most optimal to least optimal are: 1) Reunification with parent from whom removed; 2) Placement with non-custodial parent; 3) Adoption; 4) Guardianship; 5) Placement with a fit and willing relative; and 6) Planned Permanent Living Arrangement. If the child cannot be safely reunited with the parent from whom s/he was removed, the Department must provide the Court evidence that the Department is making reasonable efforts to place the child in a permanent placement.

In early 2010, CFSD conducted an internal review of its operational structure. The Director approved the recommendations derived from the review in April 2010. Those recommendations have been implemented. A Field Services Administrator position was created to oversee the Division's field operations. The primary function of this position is to help ensure consistency across the system regarding the provision of services, implementation of best practices, compliance with state and federal law, and compliance with CFSD policy. The CFSD program bureau was restructured and reorganized to create more clear lines of organization and delegation of programmatic authority. Program Bureau staff provide, among other functions performed, technical assistance to field staff. Finally, the Fiscal Bureau Chief position was filled in April 2010. Operations and Fiscal staff assure, along with other functions performed, that the internal fiscal functions are appropriately conducted.

*Child and Family Services Division
FTE Distribution - Central Office & Regional Offices
FY 2011*

Total HB 2 FTE = 380.45



■ Central Office Staff 12.05%	■ Centralized Intake Staff 4.73%
■ Regional Office Staff 83.22%	

SUMMARY OF MAJOR FUNCTIONS

The Child and Family Services Division provides services to children and families for the public purpose of improving safety, permanency, and well-being outcomes for the children and families served. To achieve improved outcomes, the **Child Protective Services Continuum** is comprised of three major functions: Intake/Investigation; Out-of-Home Placement; and Permanency.

1. PROVISION OF INTAKE/INVESTIGATORY SERVICES:

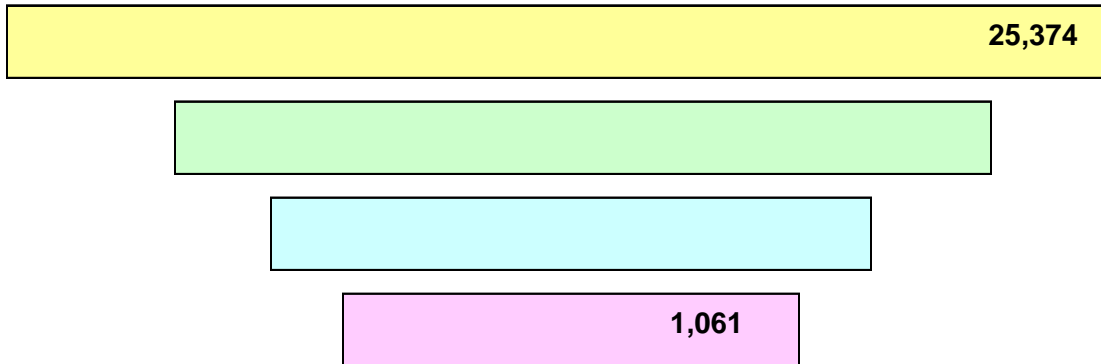
Citizens of Montana who suspect a child is being abused, neglected, or abandoned may call Centralized Intake Specialists who provide statewide coverage 24 hours a day, seven days a week. Mandatory reporters (those required by Montana statute to report) and discretionary reporters provide information to Centralized Intake Specialists describing the suspected child maltreatment. Centralized Intake Specialists assess the information provided to determine the appropriate level of response to the report and refer the report to the appropriate CFSD office for necessary action.

If the report requires an investigation, CFSD staff (located throughout Montana) conduct an investigation to determine the child's safety and whether child abuse/neglect occurred according to Montana statute. If the report does not require an investigation, CFSD field staff may provide a referral for services to community providers.

In SFY 2010, Montana citizens called Centralized Intake **25,374 times**; **13,882 of the calls were entered** into the CFSD automated system. Of the 13,882 calls entered into the automated system, **8,083 required investigation** and **3,882 contained additional information** on open reports being investigated. The remainder of the calls entered into the system were either requests for services referrals or information only.

Centralized Intake

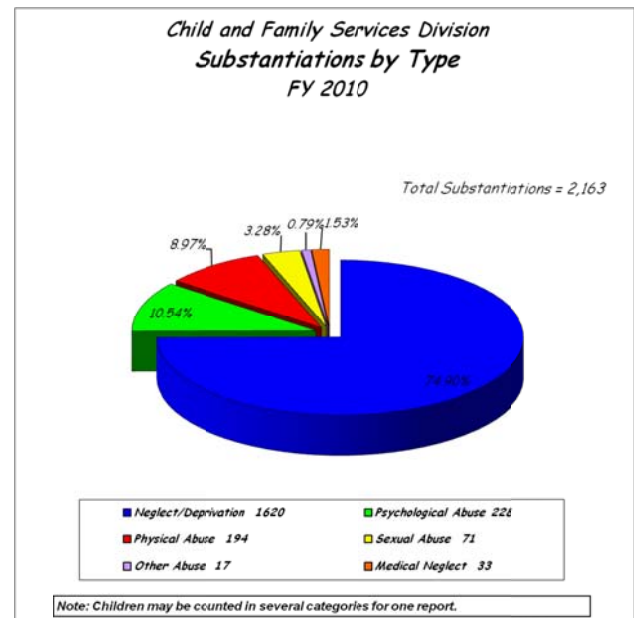
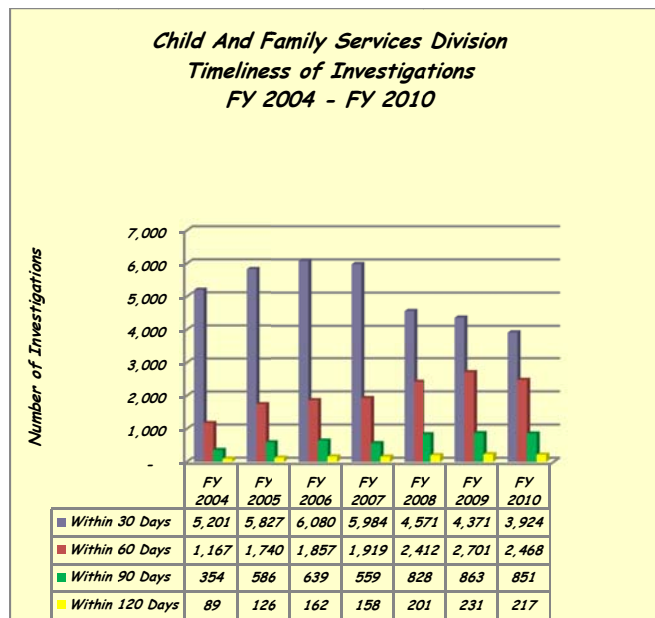
FY 2010



11,240 Children involved in Investigations

3,882 Reports containing additional information added to open investigations

Children and families receive direct child protective services border-to-border from CFSD staff located in five Regional Offices and 39 county offices. CFSD field staff investigates the reports of suspected child abuse, neglect, and abandonment referred by the Centralized Intake Specialists. The investigation must determine whether the child may be safely maintained in his/her home and whether the suspected child maltreatment actually occurred. During SFY 2010, CFSD Child Protection Specialists **completed 7,577 investigations**. Child neglect constitutes the most prevalent type of child maltreatment substantiated in Montana.



Whenever possible, services are provided to children and families to keep the child safe within the home. Those services include, among other things, parenting classes, stress and anger management, budgeting, transportation, child care/respite, and home visiting services. These services may be provided either by CFSD staff or private provider. During SFY 2010, **753 families with 1,346 children** received foster care prevention or reunification services from CFSD staff and/or private providers.

2. PROVISION OF OUT-OF-HOME SERVICES:

The Child and Family Services Division is mandated by state statute to provide protective services to children who are abused, neglected, or abandoned. In addition to receiving and investigating reports of child abuse and neglect and providing services to prevent placement, child protective services include placing the child in a foster or kinship home (out-of-home care) and working with the parents to identify those services needed to reunite the parents and child.

The following hand written words in a thank you card to her Child Protection Specialist from a mother who was reunited with her son illustrate the success of reunification services: “Thank you for everything you have done for me and my son. You have made me a better person. I have learned a lot over the last few months and I have you to thank. Thank you so much for not letting me give up.”

The success of reunification services is further illustrated by the following from a father who received services from a community provider and who was reunited with his children: “My wife and I lost our kids because of drug use in 2004 . . . At first it was scary but you wouldn’t believe how fast it became clear that we were with people who really cared about us and actually believed we could get our kids back . . . The kids were returned in 2006 just before school started . . . In 2009 I was invited to serve on the [provider agency’s] board. I thought they were crazy but just a few weeks ago, I was asked to stay for a second term. They call it empowerment. We call it amazing. Thank you.”

Licensed foster families, licensed facilities, licensed kinship families, or unlicensed kinship families provide out-of-home care to children who cannot safely remain in their homes. As of September 30, 2010, Family Resource Specialists had **licensed 997 foster, kinship, and therapeutic families**.

Because children experience less trauma when they are placed with kin or families they know, CFSD has emphasized placing children with extended family whenever possible and appropriate. On December 7, 2010, unlicensed kinship families were providing out-of-home care to 214 children. On that same date, **almost 30% of the children placed in out-of-home care were placed in either licensed or un-paid kincare**. An e-mail received from a family friend of children who experienced a family tragedy illustrates the importance of children being placed with families they know. This family friend wrote: “I have not been involved with CPS staff until this last week. The girls were placed with us Thursday night . . . we are so grateful that the girls were allowed to stay with us instead of going to strangers. Thank you.”

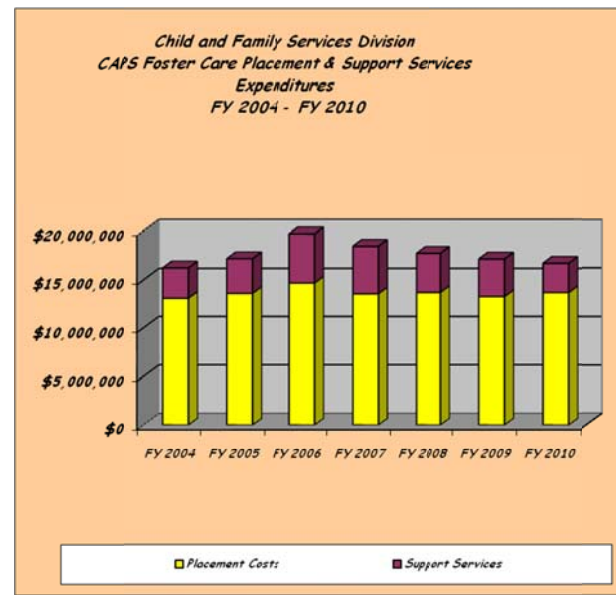
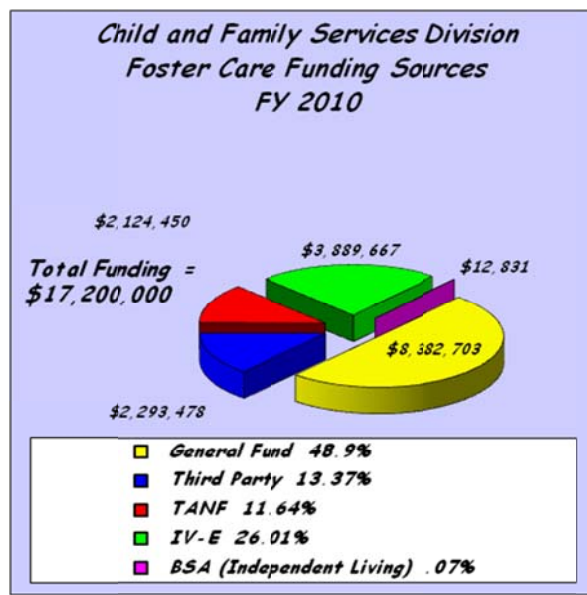
Upon a child’s placement in out-of-home care, the Child Protection Specialist works with the child’s parents to implement a court-ordered treatment plan designed to address those issues which led to the out-of-home placement. Reunification with the parent from whom the child was removed is the first permanency goal identified for the child.

A child deserves a “forever home” that is safe and permanent. Therefore, if a child cannot safely return to his/her home, the Child Protection Specialist identifies and implements an alternative permanency plan for the child so the child has a “forever home” as quickly as possible. CFSD field staff also conduct foster and adoptive home studies, provide permanency services, family group decision-making meeting facilitation, and transitional living services to youth aging out of the foster care system.

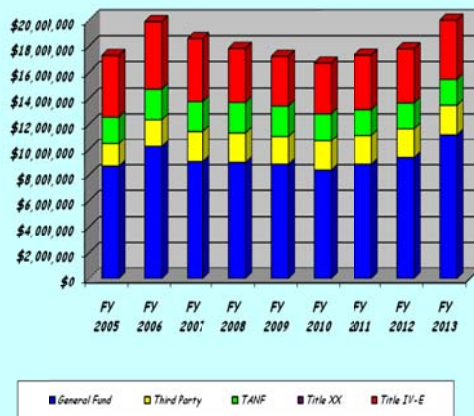
As of October, 2010, CFSD made foster care maintenance payments and support services payments on behalf of **1,687 children** under the jurisdiction of either State District Court or Tribal Court. Of the 1,687 kids in care, an average of **45.76% utilize Title IV-E funding**, a federal entitlement program based upon financial eligibility. The amount paid for foster care placements is based upon the Rate Matrix approved during the previous legislative session. The CFSD also reimburses for support services for children including, but not limited to: diaper allowances, clothing allowances, respite and transportation allowances for children and support services for parents including, but not limited to, psychological evaluations, and drug testing. The support services are provided to children and parents on an “as needed” basis or because of a court order.

In SFY 2010, **1,061 children entered** out-of-home care. During SFY 2010, CFSD field staff provided out-of-home services to a **total of 2,636 children**.

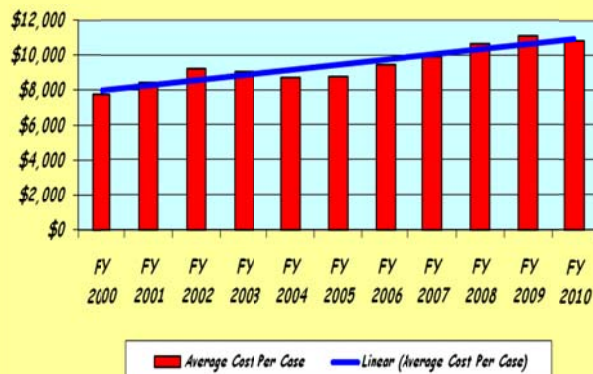
NOTE: The foster care appropriation funds all types of out-of-home care and support services.



Child and Family Services Division
Foster Care Expenditures FY 2005 - FY 2013



Child and Family Services Division
Foster Care - Average Cost Per Case
FY 2000 - FY 2010



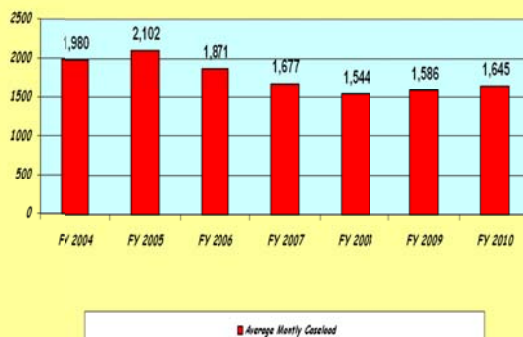
Child and Family Services Division
Monthly Cost Per Recipient - All Foster Care Placements
FY 1998 Through FY 2011 (As of 8/31/2011)



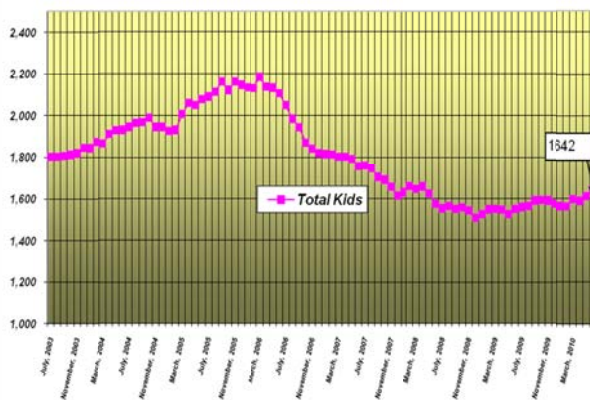
Child and Family Services Division
Foster Care Costs and Average Caseload
FY 2000 - FY 2010

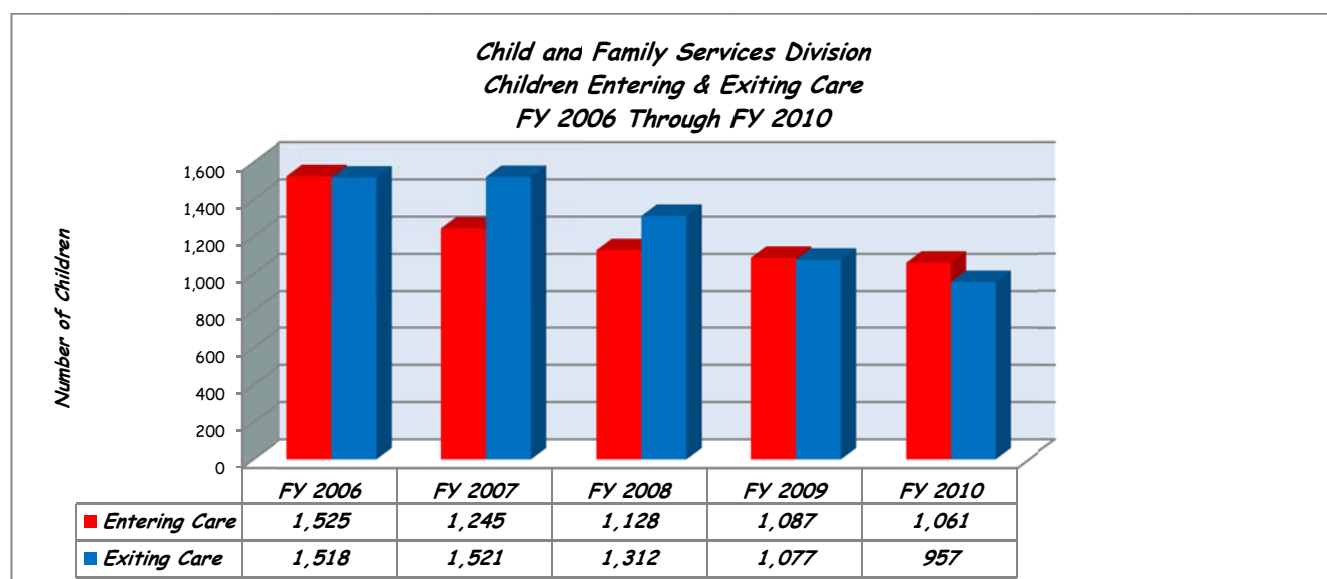


Child and Family Services Division
Foster Care - Average Monthly Caseload
FY 2004 - FY 2010

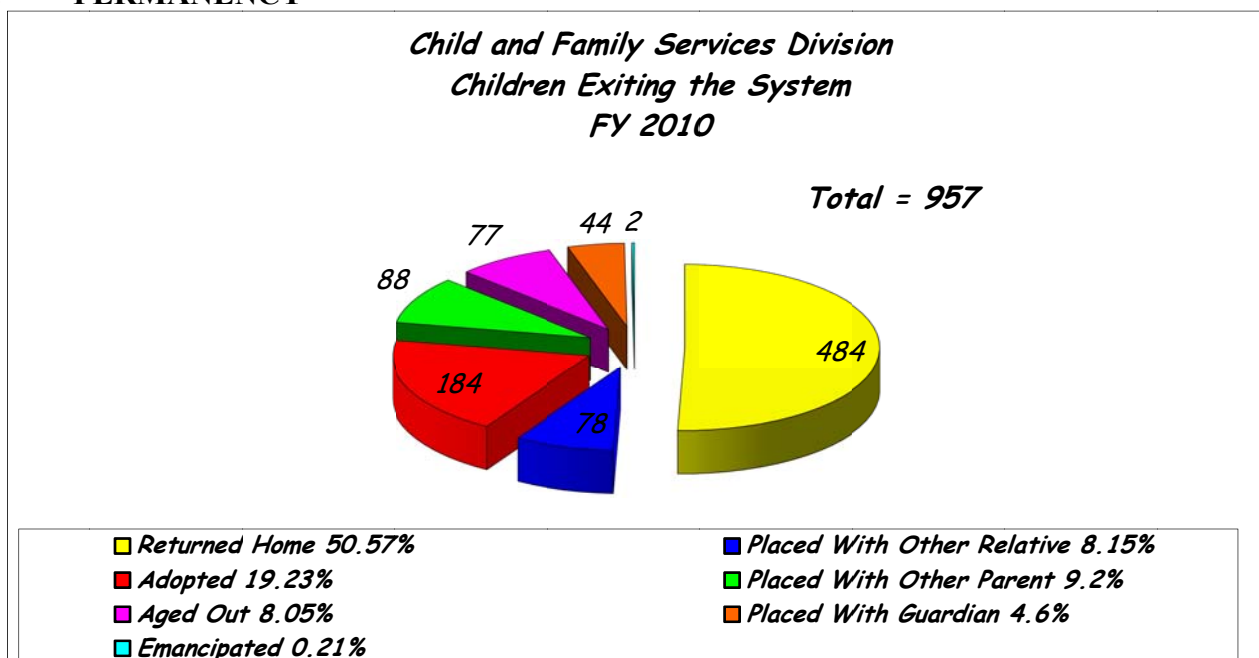


Total Kids In Care
July, 2003 to June, 2010





3. PERMANENCY



Upon a child's placement in out-of-home care, the Child Protection Specialist must identify a permanency goal for the child. The most optimum permanency goal for a child is reunification with the parent from whom the child was removed. If the child cannot be reunited with that parent, the second most optimum goal is placement with the non-custodial parent. Of the **957 children who achieved permanency** in SFY 2010, almost **70% of the children remained with relatives** with 50.52% returning home, 9.2% placed with their noncustodial parent, and 8.1% placed with kin.

Adoption represents the next most optimum permanency goal. Of the children achieving permanency in SFY 2010, **19.3%** were placed with an adoptive family. Children who are available for adoption were removed from their birth families because of abuse, neglect or abandonment and cannot be safely reunited with their birth parents. The legal rights of their parents have been terminated so the children

are available for adoption. As of June 30, 2010, more than 300 children in the foster care system had adoption as their permanency goal because their parent's rights had been terminated.

Parents frequently recognize that termination of their parental rights is in the child's best interests. One father whose sons were placed adoptively after his parental rights were terminated wrote a "thank you" to his Child Protection Specialist stating: "I want to take a second and say Thank you for your assistance. I praise you for recognizing a flawed situation my guys were in and making a change that God has blessed them to be in . . ."

Another father in the same situation wrote the following note to the adoptive parents of his children: "I just wanted to say hi and tell u and ur hubby Happy Thanksgiving hope all is well with the family and . . . thank u for doing something I couldn't do . . . but I knew in my heart that they deserve better and a more stable home for them and now they can reach for the stars and achieve any goal they set in life . . . Thank u for everything . . . u can let [his sons] know that I will always love them and there isn't a day that goes by that I don't think about them and there is a place in my heart for u and ur family thank u again."

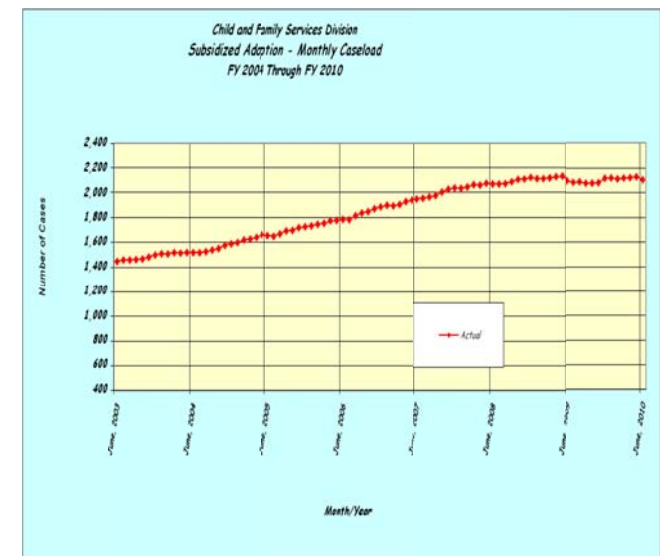
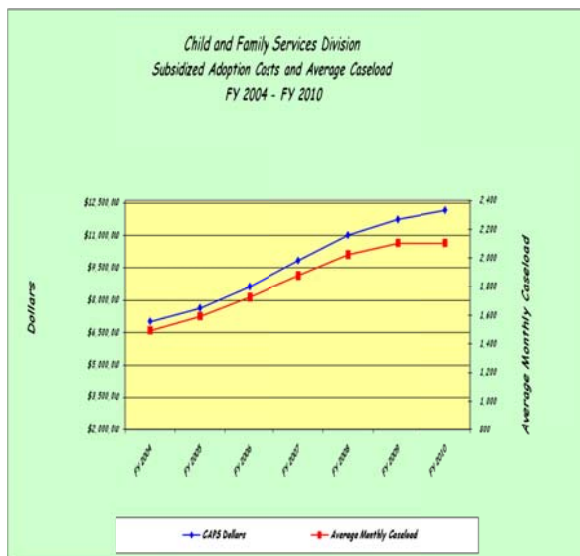
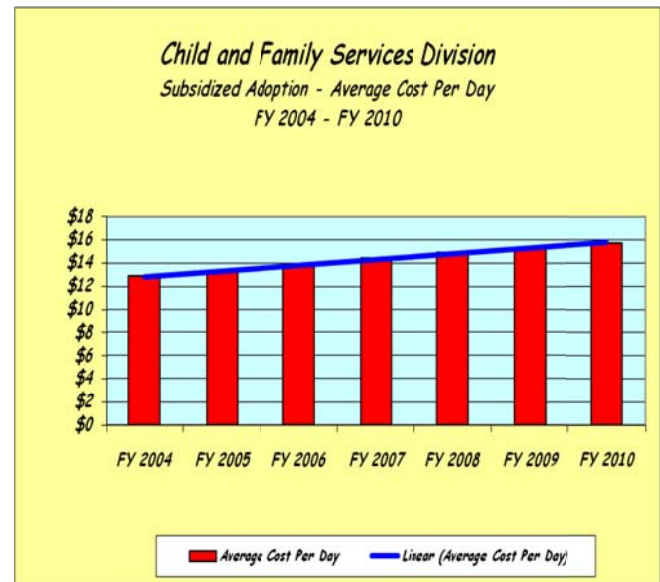
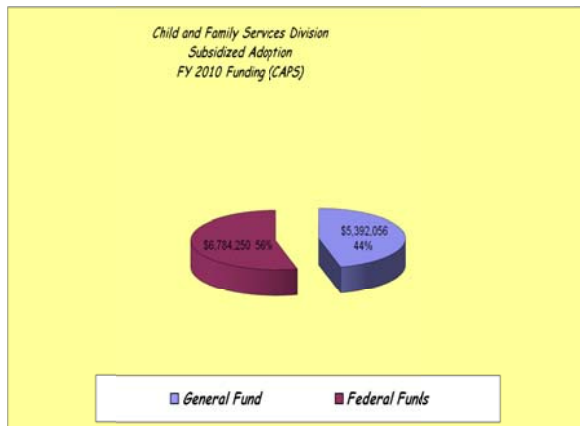
Guardianship represents the next most optimum permanency goal. Of the children **achieving permanency in SFY 2010, 4.6%** were in a guardianship placement. As of December 10, 2010, a **total of 145 subsidized guardianships** had been established in State District Court. Effective July 1, 2010, federal Title IV-E funding became available for subsidized kinship guardianships for children under the jurisdiction of both State District Court and Tribal Court.

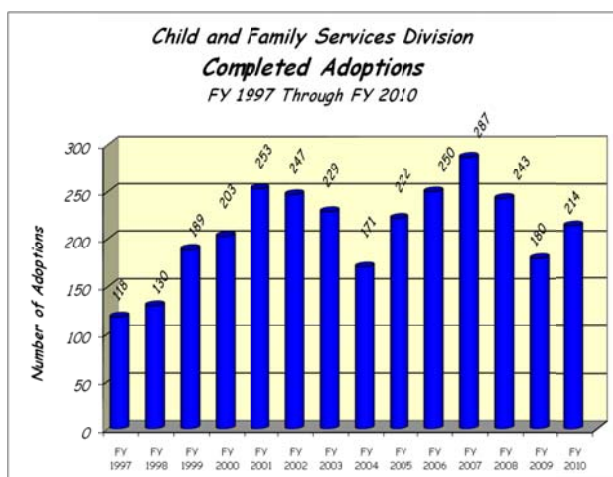
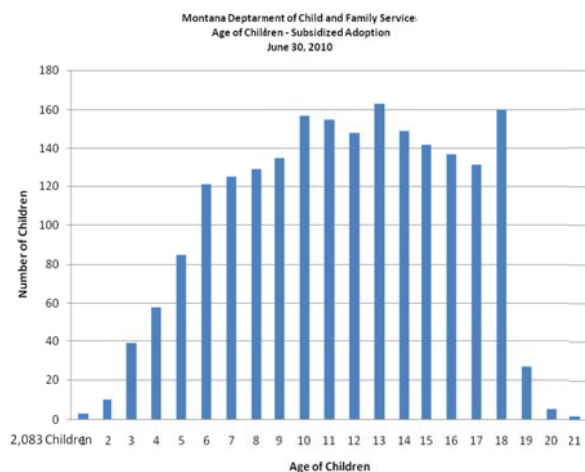
Guardianships can be either subsidized or non-subsidized. Currently, the foster care appropriation funds guardianship subsidies; however, a separate appropriation funds adoption subsidies.

Adoptions may be finalized with or without a subsidy. The adoption subsidy encourages and promotes the adoption of children with special needs from the state and tribal foster care systems.

Subsidies may be negotiated to maintain the adoption. The negotiated amount of the adoption subsidy payment is based upon the child's identified special needs, but the amount cannot exceed \$10.00 less per month than the amount the child would have received in a regular or specialized foster family home.

Adoption subsidies are currently paid to approximately **2,100 children**. Of the 2,100 monthly adoption subsidies, an average of **73% utilize Title IV-E funding**, which is a federal entitlement program based upon financial eligibility.





HIGHLIGHTS AND ACCOMPLISHMENTS DURING THE 2011 BIENNIUM:

→ **Eight children found permanent homes via the Heart Gallery:** In February 2009, the Billings Regional Office created Montana's first heart gallery exhibit. Other states had previously used this effective model to find adoptive homes for children in foster care without a permanent family identified. Since that time, Billings has presented a second exhibit. Eleven children were featured in these galleries, and eight have been adopted at this time. Missoula opened the third heart gallery in October 2010, featuring six children from across the state. CFSD has received a significant response from families considering adoption of these children from both the Billings and Missoula Heart Galleries.

→ **Positive benefits for families have resulted from the implementation of the One Worker per Family Model in three CFSD offices:** The one worker per family model is the cornerstone of family-centered practice which focuses on increased parent and child involvement in case planning. CFSD implemented a pilot program in Great Falls in 2006 that changed the structure of the office from having different intake and intervention units to the one worker per family model with strong emphasis on family-centered practice. The results of the 2008 Federal Child and Family Services Review conducted in Billings, Missoula, and Great Falls, supported implementing the model statewide (this model has been shown to improve outcomes for children and is emerging as a national model for successfully engaging in family centered practice). Of the 39 CFSD county offices, nine operated separate intake and intervention units. As of December 2010, three offices have transitioned to the new structure. The remaining six offices will complete the transition prior to the end of SFY 12.

→ **The number of children placed with extended family has increased because of CFSD's diligent search efforts:** On June 30, 2009, 25.22% children in the custody of the Department were placed with relatives. As of December 7, 2010, 29.25% children were placed with relatives. The CFSD diligent search efforts to identify relatives as possible placements include increasing search requirements for the child's non-custodial parent, increasing search requirements for extended family members, use of the Close Family Registry implemented in October, 2009, and working with nationally-recognized experts to develop a process to be used for children in foster care for longer than 36 months whereby staff "mine" the child's case file to identify significant adults in the child's life who may be permanent placement options.

→ **Delivery of services to children and families will be improved by the federal approval of the Program Improvement Plan:** After over a year of negotiating with the Children's Bureau (ACF), Montana's Program Improvement Plan was approved in January 2010. Montana must successfully complete the plan by December 2011. The ultimate goal of this plan is to improve outcomes for children and families served by CFSD by aligning Division policies and practices with evidence-based best practices to the greatest extent possible. Implementation of the Program Improvement Plan will have the most significant impact on the delivery of services by CFSD to children and families during the next biennium.

→ **More children will achieve permanency because of implementation of the Kinship Guardianship Assistance Program:** In May, 2010, Montana became the seventh state to have a federally approved kinship guardianship assistance program, pursuant to the Fostering Connections to Success and Increasing Adoptions Act of 2008. Because of this program, the subsidized guardianship permanency option is now available to children who are eligible for Title IV-E funding (or who have siblings who are eligible for Title IV-E federal funding) and who meet the program's requirements. The addition of this program to CFSD means that more children are likely to achieve permanency with extended family members in a timely manner.

→ **Children in foster care receive enhanced services from Visitation Specialists:** The 2009 Legislature approved 5 new FTE for CFSD to address the new federal requirement imposed on the states requiring, by 2011, 90% of the children in foster care to have a meaningful face-to-face visit with their caseworker each calendar month with the majority of the visits occurring where the child resides. The increased visitation with children in foster care provides additional information which is vital when working with the child and family to implement the case plan and achieve the permanency goal established for the child.

→ **Foster care services to children under the jurisdiction of Tribal Court have been enhanced under the Tribal Title IV-E Foster Care Contracts:** Contracts for six Tribal Title IV-E foster care, subsidized guardianship, and subsidized adoption were re-negotiated and executed. These new contracts will continue to serve as a model of how governments can work together to serve all children and families. As of December, 2010, 253 Tribal children received foster care funding under these contracts.

**Department of Public Health and Human Services
Child and Family Services Division**

**Goals and Objectives for the 2013 Biennium
Submitted September 1, 2010**

Goal: Safety: Provide services to protect children in their homes.

Objective	Measures
Prevent removal from the child's home or re-entry into foster care.	Through review and analysis, the division determines whether workers make concerted efforts to provide or arrange appropriate services for the family to protect children and prevent their entry into foster care or re-entry into foster care after reunification.

Goal: Permanency: Achieve reunification, guardianship, or permanent placement with a relative in a timely manner.

Objective	Measures
Children shall have permanency and stability in their living situation.	Through review and analysis, the division determines whether workers make concerted efforts to achieve the identified goal within twelve months of placement unless particular circumstances justify the delay.

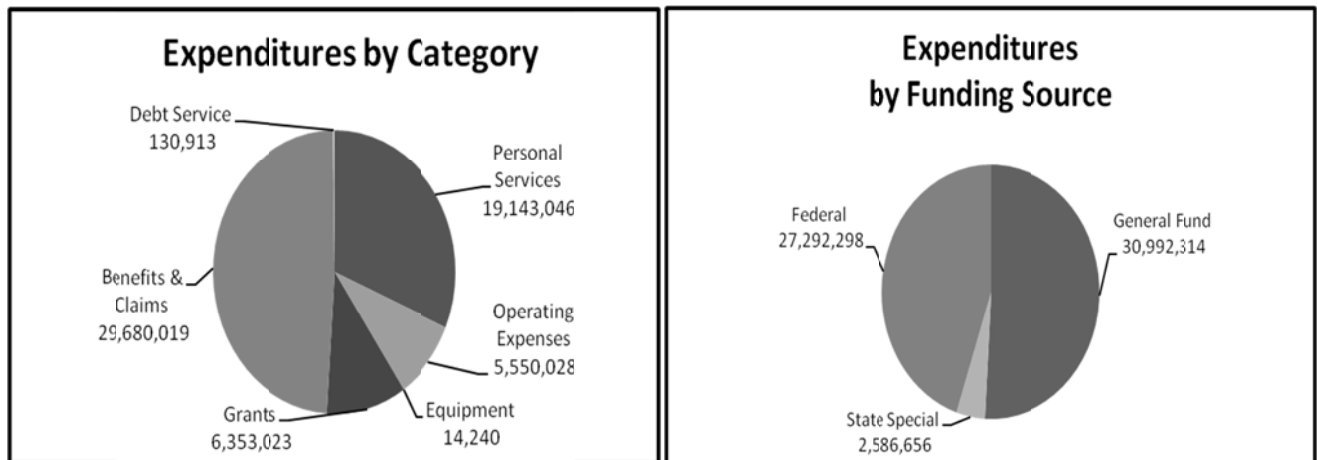
Goal: Well-Being: Involve the child and family in case planning.

Objective	Measures
Enhance the family's capacity to provide for their child's needs.	Through review and analysis, the division determines whether workers make concerted efforts to: <ul style="list-style-type: none"> (1) Actively involve the child in case planning; (2) Actively involve the mother in case planning; and (3) Actively involve the father in case planning.

FUNDING AND FTE INFORMATION

	2010 Actual Expenditures	FY 2012 Request	FY 2013 Request
CHILD AND FAMILY SERVICES DIVISION			
FTE	380.45	369.65	369.65
Personal Services	19,143,046	19,072,999	19,067,603
Operating	5,550,028	5,797,962	5,894,562
Equipment	14,240	14,240	14,240
Grants	6,353,023	6,338,025	6,338,025
Benefits & Claims	29,680,019	30,109,287	32,556,673
Debt Service/Leases	130,913	130,912	130,912
	60,871,269	61,463,425	64,002,015
General Fund	30,992,314	32,212,586	33,859,974
State Special Fund	2,586,656	2,586,654	2,586,654
Federal Fund	27,292,298	26,664,185	27,555,387
	60,871,269	61,463,425	64,002,015

THE FOLLOWING FIGURES PROVIDE FUNDING AND EXPENDITURE INFORMATION FOR
FY 2010 FOR **CHILD AND FAMILY SERVICES**



DECISION PACKAGES (SEE LFD BUDGET ANALYSIS, PAGES B-95 - B-99)**NP 30101 - Continue Chafee Independent Living Support (LFD Page B-99)**

- This decision package increases the general fund base budget by \$160,000 over the biennium, however, this requests a restoration of funding removed from the base budget due to expenditures on Modified FTE.
- This decision package continues support services to the Independent Living Project that were provided in SFY10.
- The Division will consider using contracted services, modified FTE, or a combination of the two in order to provide services statewide.
- The Chafee Independent Living Support services are services to assist current and former foster care youth in the transition to adulthood.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2012	\$ 80,000	\$	\$ 304,057	\$ 384,057
FY 2013	\$ 80,000	\$	\$ 303,202	\$ 383,202
Biennium Total	\$160,000	\$	\$ 607,259	\$ 767,259

NP 55403 – 4% Personal Services GF Budget Reduction (LFD Page B-99)

- This decision package reduces the general fund base budget by \$644,878 over the biennium.
- The Governor has included a 4% reduction in general fund personal services as a part of his budget reductions.
- The reduction includes the elimination of 10.8 FTE.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2012	\$ (322,439)	\$	\$(173,058)	\$(495,497)
FY 2013	\$ (322,439)	\$	\$(171,705)	\$ (494,144)
Biennium Total	\$(644,878)	\$	\$(494,144)	\$ (989,641)

PL 30001 – Adoption Caseload Increase (LFD Page B-96 – B-97)

- This decision package requests funding for Subsidized Adoption for caseload increase.
- This request represents a 4.5% caseload increase in SFY12 and an 8.0% caseload increase in SFY13.
- Currently over 300 children in foster care have a permanency goal of adoption because their parents' rights have been terminated.
- Adoption subsidies are negotiated at not more than \$10/month less than the foster care benefit paid on behalf of the child and can be renegotiated at the parents' request.
- Total expenditures on adoption subsidies continues to increase over time as children with lower subsidy amounts age out and new children are adopted with higher subsidy amounts.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2012	\$ 275,792	\$	\$ 271,592	\$ 547,384
FY 2013	\$ 804,920	\$	\$ 759,831	\$1,564,301
Biennium Total	\$1,080,712	\$	\$1,564,301	\$2,111,685

PL 30002 – Foster Care Caseload Increase (LFD Page B-97)

- This decision package requests funding for Foster Care (aka out-of-home care) caseload increase.
- This request represents a 6.0% caseload increase in SFY12 and an 8.0% caseload increase in SFY13.
- The Foster Care Caseload increased 2.7% overall in SFY10, with a 4.2% increase (65 children) between March and June 2010.
- The Foster Care Caseload has fluctuated month-over-month, but is still showing an upward trend.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2012	\$ 698,300	\$	\$ 309,073	\$1,007,373
FY 2013	\$1,689,886	\$	\$ 747,956	\$2,437,842
Biennium Total	\$2,388,186	\$	\$1,057,029	\$3,445,215

PL 30003 – FMAP Rate Decrease: Foster Care (LFD Page B-98)

- This decision package requests funds to adjust the Foster Care FMAP.
- The FMAP will change from 68.04% in SFY10 to 66.22% in SFY12 and 65.74% in SFY13.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2012	\$ 105,317	\$	\$ (105,317)	\$ 0
FY 2013	\$ 133,093	\$	\$ (133,093)	\$ 0
Biennium Total	\$ 238,410	\$	\$ (238,410)	\$ 0

PL 30004 – FMAP Rate Decrease: Subsidized Adoption (LFD Page B-98)

- This decision package requests funds to adjust the Subsidized Adoption FMAP.
- The FMAP will change from 68.04% in SFY10 to 66.22% in SFY12 and 65.74% in SFY13.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2012	\$ 165,878	\$	\$ (165,878)	\$ 0
FY 2013	\$ 209,625	\$	\$ (209,625)	\$ 0
Biennium Total	\$ 375,503	\$	\$ (375,503)	\$ 0

PL 30005 – Restore OT/Holidays Worked (LFD Page B-98)

- This decision package requests funds to restore zero-based authority to overtime compensation and holidays worked.
- Overtime and holidays worked are not included in the SFY10 base budget for personal services and are on-going routine costs for this division, which is 24/7 in nature.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2012	\$ 64,959	\$	\$ 22,739	\$ 87,698
FY 2013	\$ 64,959	\$	\$ 22,739	\$ 87,698
Biennium Total	\$ 129,918	\$	\$ 45,478	\$ 175,396

PL 30006 – Non DofA Rent Annualization (LFD Page B-98)

- This decision package requests funds to annualize lease amounts for non-state owned buildings.
- The CFSD Central Office moved to 301 S. Park from the Cogswell building in October, 2009 and the Region IV Helena office moved from the City County Building to the Sage building in September, 2009.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2012	\$ 36,182	\$	\$ 19,987	\$ 56,169
FY 2013	\$ 96,876	\$	\$ 54,186	\$ 151,062
Biennium Total	\$ 133,058	\$	\$ 74,173	\$ 207,231

LEGISLATION

HB 74 entitled: “An Act allowing the Department of Public Health and Human Services to locate, contact and share information with extended family members upon placement of children in out-of-home care; amending sections 41-3-301 and 41-3-427, MCA; and providing an effective date.”

HB 74 proposes the following language: (5) The department may locate and contact extended family members upon placement of the child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

Since 2003, the Montana Legislature has approved amendments to nine different statutes to promote and focus on placement of children with relatives when out-of-home care is required.

This proposed legislation allows the Division to more fully implement the intent of these nine statutory amendments. Furthermore, this proposed legislation will allow the State to fully comply with the requirements of the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This act amended section 471 of the Social Security Act (42 U.S.c. 671(a)(101)) to require that within 30 days of the removal of a child from the custody of the parent or parents the State must exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents) of the placement of the child and explain their options under the law.

This new statutory language will allow CFSD to implement the intent behind the Montana statutory preferences for relative placements and the federal law most effectively and efficiently in all cases by removing the need for an additional court order or voluntary release to be signed each time a child is removed from the custody of the parent or parents.